

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**SERGEY ALEJNIKOV,**

**Plaintiff,**

**v.**

**THE GOLDMAN SACHS GROUP, INC.,**

**Defendant.**

Civ. No. 15-2057 (KM)

**ORDER**


**THIS MATTER** having come before the Court by a motion to remand pursuant to 28 U.S.C. § 1447(c) (ECF No. 4) filed by the plaintiff, Sergey Aleynikov, through his counsel, Marino Tortorella & Boyle, P.C. (Kevin H. Marino, Esq., John D. Tortorella, Esq., and Erez Davy, Esq., appearing); and Magistrate Judge Michael A. Hammer having filed a Report and Recommendation ("R&R") (ECF No. 30); and Objections to the R&R (ECF No. 33) having been filed by the defendant, The Goldman Sachs Group, Inc. ("GS Group"), through its counsel, Chiesa Shahinian & Giantomasi PC (A. Ross Pearlson, Esq., and James Van Splinter, appearing), and Boies, Schiller & Flexner LLP (Christopher E. Duffy, appearing *pro hac vice*); and Aleynikov having filed a Response (ECF No. 34); and GS Group having filed a Reply (ECF No. 35); and the Court having reviewed *de novo* the R&R, the parties' submissions, and prior filings in the case, and decided the matter without oral argument pursuant to Federal Rule of Civil Procedure 78; for the reasons expressed in the R&R filed by Magistrate Judge Hammer and the accompanying Memorandum Opinion; and for good cause shown:

**IT IS** this 6th day of January, 2016,

**ORDERED** that the Objections of GS Group (ECF No. 33) are DENIED; that the Report and Recommendation (ECF No. 30) is ADOPTED in its entirety; that the motion to remand (ECF No. 4) is GRANTED pursuant to 28 U.S.C. § 1447(c), because the removal was not authorized by law under 28 U.S.C. § 1447(b)(2); and it is further

**ORDERED**, that the case is REMANDED to the Delaware Court of Chancery, where it was filed as C.A. No. 10636-VCL.

Each party shall bear its own costs.

  
**KEVIN MCNULTY**  
**United States District Judge**